

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LEROY "BUD" BENSEL, ET AL.,

Plaintiffs,

v.

ALLIED PILOTS ASSOCIATION, ET
AL.,

Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 02-2917 (JEI)

ORDER

APPEARANCES:

TRUJILLO, RODRIGUEZ & RICHARDS, LLP

By: Lisa J. Rodriguez

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Haddonfield, NJ 08033

Counsel for Plaintiffs

ARCHER & GREINER, PC

By: John C. Connell

One Centennial Square

Haddonfield, NJ 08033

Counsel for Defendant

IRENAS, Senior District Judge:

This matter having appeared before the Court upon the motions included in the Proposed Pretrial Order (Dkt. No. 348), the Court having considered the submissions of the parties and for good cause appearing;

IT IS on this 8th day of February, 2011,

ORDERED THAT:

(1) Defendant Air Line Pilots Association is hereby granted

leave to conduct a brief supplemental deposition of Ronald Wilder. The deposition is not to exceed two hours, and is to be limited in substance to the introduction and establishment of evidence related to Mr. Wilder's attendance at the TWA-MEC meeting on April 2, 2001. The deposition must be completed by February 28, 2011.

(2) For any audio recordings that a party wishes to include as evidence, such party must provide to opposing counsel both an audible version of such recording and a transcript of such recording, in each case no later than February 22, 2011.

(3) Defendant must file its motion to decertify this action by February 22, 2011.

(4) Plaintiffs' motion in limine to preclude from the testimony of LeRoy "Bud" Bensele any testimony regarding privileged matters or his removal as class representative is hereby **GRANTED**. Plaintiffs' motion in limine to preclude any reference to the fact that any TWA pilot opted out of the class is hereby **GRANTED**. Plaintiffs' motion in limine to preclude Defendant from presenting any evidence of TWA's earlier bankruptcies is hereby **DENIED**. Plaintiffs' motion in limine to permit evidence of Defendant's spoliation is hereby **DENIED**. Plaintiffs' motions in limine to preclude the testimony of any witness of Defendant who was not

disclosed on Defendant's Rule 26 witness disclosure is hereby **DENIED** with respect to any witness disclosed on Plaintiffs' Rule 26 witness disclosure. The remainder of Plaintiffs' motions in limine cannot be determined at this time and are **DISMISSED WITHOUT PREJUDICE** with leave to reraise at the appropriate time during trial.

(5) Defendant's motions in limine cannot be determined at this time and are **DISMISSED WITHOUT PREJUDICE** with leave to reraise at the appropriate time during trial.

s/ Joseph E. Irenas
JOSEPH E. IRENAS, S.U.S.D.J.